

**1. SECTION 1 – COUNCIL PROCEDURE RULES**

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**1. ANNUAL MEETING OF THE COUNCIL**

**1.1 Timing and business**

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- 1.1.1 Elect a person to preside if the Mayor and Deputy Mayor of the Council is not present;
- 1.1.2 Elect the Mayor of the Council;
- 1.1.3 Elect the Deputy Mayor of the Council;
- 1.1.4 Approve the minutes of the last meeting;
- 1.1.5 Receive any announcements from the Mayor and/or the Head of Paid Service;
- 1.1.6 Elect the Leader and Deputy Leader of the Council
- 1.1.7 Appoint all such Committees and Sub-Committees as the Council considers appropriate to deal with matters which are not reserved to the Council (as set out in Part 3 of this Constitution);
- 1.1.8 Agree the scheme of delegations or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- 1.1.9 Approve a programme of ordinary meetings of the Council for the year; and
- 1.1.10 Consider any business set out in the notice convening the meeting.

**1.2 Appointment of Councillors on Committees and Outside Bodies**

At the annual meeting, the Council meeting will:

- 1.2.1 Decide which Committees and Sub-Committees to establish for the municipal year;
- 1.2.2 Decide the size and terms of reference for those Committees;
- 1.2.3 Decide the allocation of seats to political groups in accordance with the political balance rules;

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1.2.4 Make appointments to outside bodies except where appointment to those bodies has been delegated by the Council;

1.2.5 Appoint the Chairs and Vice-Chairs of Committees.

### **2. ORDINARY MEETINGS**

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. The order of business at ordinary meetings will be as follows:

2.1 Elect a person to preside if the Mayor and Deputy Mayor are not present;

2.2 Approve the minutes of the last meeting;

2.3 Receive any declarations of interest from Member;

2.3.1 Where such interests amount to a Disclosable Pecuniary Interest under the Localism Act 2011, the member must leave the meeting at the time the item arises and must not participate any further in the discussion or vote on that matter. Once the matter is concluded the member may return to continue the other business of the meeting;

2.4 Receive any announcements from the Mayor, Leader or Chief Executive;

2.5 Receive questions from, and provide answers to, the public in relation to matters which in the opinion of the Mayor are relevant to the Council's functions;

2.6 Receive petitions from the public in relation to matters which in the opinion of the Mayor are relevant to the Council's functions;

2.7 Receive reports from the Council's Committees and receive questions and answers on those reports;

2.8 Consider any other business specified in the summons to the meeting,

2.9 Consider motions; and

2.10 Deal with questions from Members in accordance with Rule 13.

### **3. EXTRAORDINARY MEETINGS**

#### **3.1 Calling extraordinary meetings**

The Chief Executive may call Council meetings in addition to ordinary meetings and those listed below may request the Chief Executive to call additional Council meetings:

3.1.1 The Council by resolution;

3.1.2 The Mayor of the Council;

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3.1.3 The Monitoring Officer; or

3.1.4 Any five Members of the Council if they have signed a requisition presented to the Mayor of the Council and he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

### **3.2 Business**

The business to be conducted at an extraordinary meeting shall be restricted to the item of business contained in the request for the extraordinary meeting and there shall be no consideration of previous minutes or reports from committees etc. except that the Mayor may at his absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

## **4. TIME, PLACE AND DURATION OF MEETINGS**

### **4.1 Time and Place of Meetings**

The time and place of meetings will be determined by the Chief Executive and notified in the summons. Council meetings will ordinarily meet in the Council Offices.

### **4.2 Duration of Meetings**

4.2.1 At an ordinary meeting of the Council, when 3 hours have elapsed after the commencement of the meeting, the Mayor shall, at the conclusion of the debate on the item of business then under consideration, put the matter to the vote.

4.2.2 If there are other motions or recommendations on the agenda that remain to be dealt with they will be deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way.

4.2.3 During the process set out in paragraphs 4.2.1 and 4.2.2 above the only other motions which may be moved are that a matter be withdrawn under Rule 16.8, that a particular Rule be suspended under Rule 24.1 or that a matter be delegated or referred to the Executive, a Committee or Sub-Committee for decision or report under Rule 15.

4.2.4 When all motions and recommendations have been dealt with, the Mayor will declare the meeting closed.

## **5. NOTICE OF AND SUMMONS TO MEETINGS**

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least five clear days before a meeting, the Chief Executive will send a summons signed by them to every Member of the

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Council. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

### **6. CHAIR OF MEETING**

- 6.1 The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to Committee and Sub-Committee meetings, references to the Mayor also include the Chair of Committees and Sub-Committees.
- 6.2 An item of business may not be considered by the Chair of a meeting unless:-
- (a) A copy of the agenda including the item is open to inspection by members of the public for at least five clear working days (before the meeting or where the meeting is convened at shorter notice, from the time the meeting is convened); or
  - (b) By reason of special circumstances (which shall be specified in the minutes), the Chair of the meeting is of the opinion that the item should be considered as a matter of urgency.
- 6.3 The order of business can be altered by the Chair, if agreed by all members present.
- 6.4 The Chair of any Committee or Sub-Committee may withdraw any item or report from the Agenda.
- 6.5 The Leader, Deputy Leader or any other member present may propose a motion to withdraw any item or report on the Agenda at Council.

### **7. QUORUM**

- 7.1 Subject to any specific statutory requirement, the quorum of a meeting will be one third of the whole number of Members who have the right to vote at that meeting, provided that no business shall be transacted at any meeting if less than three persons entitled to vote are present.
- 7.2 During any meeting if the Mayor counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he does not fix a date, the remaining business will be considered at the next ordinary meeting.

### **8. CANCELLATION OF MEETINGS**

The Chief Executive is authorised to cancel a meeting where the agenda has already been issued if it is considered expedient to do so. Before exercising this authority, the Chief Executive will consult with the Leader of the Council and the appropriate Chair. Any outstanding business will be held over to the next scheduled meeting or on a date to be arranged.

## **9. RECORDED MEETINGS**

- 9.1 Members of the public and press may film, photograph or make sound recordings etc. of proceedings at Council meetings in accordance with the Openness of Local Government Bodies Regulations 2014.

## **10. QUESTIONS BY THE PUBLIC**

### **10.1 General**

- 10.1.1 At the discretion of the Mayor, members of the public may ask questions of members at ordinary meetings of the Council.
- 10.1.2 The total time allocated for questions by the public should be limited to 30 minutes.

### **10.2 Order of questions**

Questions will be asked in the order notice of them was received, except that the Mayor may group together similar questions.

### **10.3 Notice of questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Proper Officer no later than mid-day 5 clear working days before the day of the meeting. Each question must give the name and address of the questioner.

### **10.4 Number of questions**

- 10.4.1 At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of one organisation.
- 10.4.2 One supplementary question may also be asked.

### **10.5 Scope of questions**

The Head of Law and Democracy may reject a question if it:

- 10.5.1 Is not about a matter for which the Council has a responsibility or influence over or which directly affects the Borough;
- 10.5.2 Is defamatory, frivolous or offensive;
- 10.5.3 Is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- 10.5.4 Requires the disclosure of confidential or exempt information.

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10.5.5 Is about a planning or licensing matter.

### **10.6 Record of questions**

10.6.1 The Head of Law and Democracy will enter each question in a book open to public inspection and will immediately send a copy of the question to the Councillor to whom it is to be put.

10.6.2 Rejected questions will include reasons for rejection.

10.6.3 Copies of all questions will be circulated to all Councillors and will be made available to the public attending the meeting.

### **10.7 Asking the question at the meeting**

10.7.1 The Mayor will invite the questioner to put the question to the Councillor named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

10.7.2 There will be a maximum of 5 minutes in which the questioner asks his/her question, receive a response, ask a supplementary question and receive a response subject to the Chair's discretion.

### **10.8 Supplementary question**

A questioner who has put a question in person may also put one supplementary question without notice to the Councillor who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds set out in Rule 10.5 above.

### **10.9 Written answers**

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Councillor to whom it was to be put, will be dealt with by a written answer.

### **10.10 Reference of question to the Committee**

Unless the Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

## **11. PETITIONS FROM THE PUBLIC**

11.1 The Council has formally adopted a Petition Scheme.

11.2 Without prejudice to the generality of the provisions below, the Scheme sets out in greater detail the process and the signature threshold for receipt of petitions and how petitions will be dealt with.

11.3 A copy of the Petition Scheme is available from the Head of Law and Democracy. It is also available on the Council's website.

### **11.4 Notice of Petition**

If a citizen wishes to present a petition to a Council meeting, notice must be given at least five clear working days before the meeting. Petitions to be debated at the Council Meeting will have been selected according to the Petition Scheme.

### **11.5 Presentation of Petitions**

The petition organiser will be allowed 5 minutes to present the petition at the meeting. Only one person may speak to present a petition.

11.6 The Council will then debate the petition for a maximum of 20 minutes.

11.7 The Council will decide how to respond to the petition at the meeting. Such response may include:

11.7.1 Take the action the petition requests;

11.7.2 Not to take the action requested; or

11.7.3 Commission further investigation into the matter, e.g. by the relevant Committee;

11.7.4 The petition organiser will receive written confirmation of this decision which will also be published on the Council website.

### **11.8 Number of Petitions**

At any one meeting no person or organisation may present more than one petition.

### **11.9 Scope of Petitions**

The Head of Law and Democracy may reject a petition if:

11.9.1 It does not qualify under the Scheme;

11.9.2 It is vexatious, abusive or otherwise inappropriate;

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- 11.9.3 It is a petition qualifying under another enactment;
- 11.9.4 It is excluded by order;
- 11.9.5 It relates to a planning decision;
- 11.9.6 It relates to a licensing decision;
- 11.9.7 It relates to any other matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment.

### **12. DEPUTATIONS BY THE PUBLIC**

- 12.1 Deputations may be received at any meeting of the Council following five clear days' written notice to the Head of Law and Democracy.
- 12.2 They must be about matters for which the Council has a responsibility or influence over or which affect the Borough.
- 12.3 The notice must be signed by at least five persons and set out the subject which the deputation wishes to raise and how it is relates to the Council's functions or affects the Borough.
- 12.4 The Chair may, on the advice of the Head of Law and Democracy , refuse a deputation which is illegal, scurrilous, improper, out of order or relates to a specific planning application or relates to a matter on which there has been a previous similar deputation within the preceding six months.
- 12.5 A person wishing to make a deputation must give written notice to the Head of Law and Democracy no later than midday five clear working days before the day of the meeting.
- 12.6 A maximum of two deputations only will be permitted at any meeting and they will be selected in the order that notice is received. Only one deputation will be permitted if the Head of Law and Democracy receives notice of a petition under Rule 11.
- 12.7 A deputation may consist of up to five people, of whom no more than two may speak, except to answer members' questions.
- 12.8 The deputation may address the meeting for no more than five minutes and members may then question the deputation for a further five minutes.

### **13. QUESTIONS BY MEMBERS**

#### **13.1 On reports of Committees**

At a meeting of the Council, other than the Annual meeting, a Member of the Council may ask the Mayor, the Leader of the Council or the Chair of a Committee or Sub-

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Committee any question without notice upon an item of the report of a Committee when that item is being received or under consideration by the Council.

### **13.2 Questions on notice at full Council**

Subject to Rule 13.4, a Member of the Council may ask:

13.2.1 The Mayor;

13.2.2 The Leader of The Council; or

13.2.3 The Chair of any Committee or Sub-Committee,

a question on any matter in relation to which the Council has powers or duties or which affects the Borough .

### **13.3 Questions on notice at Committees and Sub-Committees**

Subject to Rule 13.4, a member of a Committee or Sub-Committee may ask the Chair a question on any matter in relation to which the Council has powers or duties or which affects the Borough and which falls within the terms of reference of that Committee or Sub-Committee.

### **13.4 Notice of questions**

A member may ask a question under Rule 13.2 or 13.3 if either:

13.4.1 They have given notice of the question in writing or by electronic mail no later than midday five clear working days before the day of the meeting to the Head of Law and Democracy; or

13.4.2 The question relates to urgent matters, they have the consent of the Mayor or member to whom the question is to be put and the content of the question is given to the Head of Law and Democracy by mid-day on the day of the meeting.

### **13.5 One Question per Member**

A Member may ask only one question under Rule 13.2 or 13.3 except with the consent of the Mayor of the Council, committee or sub-committee.

### **13.6 Order of Questions**

Questions of which notice has been given under Rule 13.2 or 13.3 will be listed on the agenda in the order determined by the Mayor of the Council, committee or sub-committee.

**13.7 Content of Questions**

Questions under Rule 13.2 or 13.3 must, in the opinion of the Mayor:

- 13.7.1 Contain no expressions of opinion;
- 13.7.2 Relate to matters on which the Council has or may determine a policy;
- 13.7.3 Not relate to questions of fact.

**13.8 Scope of Questions**

The Head of Law and Democracy may reject a question if it:

- 13.8.1 Is not about a matter for which the local authority has a responsibility or which directly affects the Borough;
- 13.8.2 Is defamatory, frivolous or offensive;
- 13.8.3 Is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- 13.8.4 Requires the disclosure of confidential or exempt information;
- 13.8.5 Is about a planning or licensing matter.

**13.9 Response**

An answer may take the form of:

- 13.9.1 A direct oral answer at the meeting;
- 13.9.2 Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- 13.9.3 Where the reply cannot conveniently be given orally, a written answer circulated within ten clear working days to the questioner.

**13.10 Supplementary question**

A Member asking a question under Rule 13.2 or 13.3 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

**13.11 Length of Speeches**

A Member asking a question under Rule 13.2 or 13.3 and a Member answering such a question may speak for no longer than 5 minutes unless the Mayor consents to a longer period.

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### **13.12 Time Allowed for Questions at Council Meetings**

- 13.12.1 The time allowed for consideration of questions submitted under Rule 13.2 shall not, without the consent of the Mayor, exceed 20 minutes.
- 13.12.2 At the conclusion of the answer to the question under consideration at the expiry of 20 minutes (or such longer period to which the Council has consented) from the time when the first questioner started to speak, the Mayor shall conclude that part of the meeting.
- 13.12.3 Any remaining questions shall be responded to in writing before the next ordinary meeting of the Council.

## **14. MOTIONS ON NOTICE**

### **14.1 Notice**

- 14.1.1 Except for motions which can be moved without notice under Rule 15, and any motion to remove the Leader from office as Leader, written notice of every motion must be delivered to the Head of Law and Democracy not later than mid-day on the fifth clear working day before the Council meeting at which it is to be considered.
- 14.1.2 In the case of any motion for the removal of the Leader from office, written notice signed by at least one quarter of the Councillors must be delivered to the Chief Executive not later than 10 clear working days before the date of the meeting. Any such motion shall be carried only if at least two thirds of the members present at the meeting are in favour.
- 14.1.3 Motions received will be entered in a book open to public inspection.

### **14.2 Motion set out in agenda**

- 13.2.1 Motions for which notice has been given will be listed on the Agenda in the order received, unless the Councillor giving notice states, in writing, that he or she proposes to move it to a later meeting or withdraw it.
- 13.2.1 Subject to a written proposal by the Councillor to move it at a later meeting, any motion not moved at the relevant meeting shall be deemed to be withdrawn.

### **14.3 Scope**

Motions must be about matters for which the Council has a responsibility or influence over or which directly affects the Borough.

### **14.4 One Motion per Member**

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No Member may give notice of more than one motion for any Council meeting, except with the consent of the Mayor.

### **14.5 Time Allowed for Motions**

The time allowed for consideration of motions submitted under this Rule shall not, without the consent of the Mayor, exceed 20 minutes. At the conclusion of the speech being delivered at the expiry of 20 minutes (or such longer period to which the Council has consented) from the commencement of the Council's consideration of the first such motion, the Mayor shall put to the vote, without further discussion, all the questions necessary to dispose of the motion then under debate provided that:

- 14.5.1 If the speech to be concluded is a speech proposing a motion, the Mayor shall allow the motion to be formally seconded (without comment);
- 14.5.2 If the speech to be concluded is a speech moving an amendment, the Mayor shall allow the amendment to be formally seconded (without comment) and the mover of the motion to exercise his right of reply; and
- 14.5.3 Otherwise, the Mayor shall allow the mover of the motion to exercise his right of reply.

Any remaining motions submitted under this Rule shall be deferred to the next ordinary meeting of the Council and shall be dealt with at that meeting in the same order and before any other motions of which notice is given for that meeting.

## **15. MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- 15.1 To appoint a Chair of the meeting at which the motion is moved;
- 15.2 In relation to the accuracy of the minutes;
- 15.3 To change the order of business in the agenda;
- 15.4 To refer something to an appropriate body or individual;
- 15.5 To appoint a Committee or member arising from an item on the summons for the meeting;
- 15.6 To receive reports or adoption of recommendations of Committees or Officers and any resolutions following from them;
- 15.7 To withdraw a motion;
- 15.8 To amend a motion;

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- 15.9 To proceed to the next business;
- 15.10 That the question be now put;
- 15.11 To adjourn a debate;
- 15.12 To adjourn a meeting;
- 15.13 To suspend a particular Council Procedure Rule;
- 15.14 To exclude the public and press in accordance with the Access to Information Procedure Rules;
- 15.15 To not hear further a Member named under Rule 22.3 or to exclude them from the meeting under Rule 22.4; and
- 15.16 To give the consent of the Council where its consent is required by this Constitution.

### **16. RULES OF DEBATE**

#### **16.1 Speeches permitted before motion is moved and seconded**

Speeches are permitted before the mover has moved a proposal and explained the purpose of it and before the motion has been seconded and similarly when moving and seconding an amendment accordingly.

#### **16.2 Right to require motion in writing**

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him before it is discussed.

#### **16.3 Secunder's speech**

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

#### **16.4 Content and length of speeches**

- 16.4.1 Speeches must be directed to the question under discussion or to a personal explanation or point of order.
- 16.4.2 A speech by the mover of a motion may not exceed five minutes without the consent of the Mayor.
- 16.4.3 Subject to paragraph 16.4.4 below, speeches by other Members may not exceed three minutes without the consent of the Mayor.

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16.4.4 When the Council's annual budget is under discussion, the leader of each political group on the Council may speak for up to five minutes or such longer period as the Mayor shall allow.

### **16.5 When a Member may speak again**

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

16.5.1 To speak once on an amendment moved by another member;

16.5.2 To move a further amendment if the motion has been amended since he last spoke;

16.5.3 If his first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he spoke was carried);

16.5.4 In exercise of a right of reply;

16.5.5 On a point of order; and

16.5.6 By way of personal explanation.

### **16.6 Amendments to motions**

16.6.1 An amendment to a motion must be relevant to the motion and will either be:

(a) To refer the matter to an appropriate body or individual for consideration or reconsideration;

(b) To leave out words;

(c) To leave out words and insert or add others; or

(d) To insert or add words

(e) As long as the effect of (b) to (d) is not to negate the motion.

16.6.2 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

16.6.3 If an amendment is not carried, other amendments to the original motion may be moved.

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16.6.4 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

16.6.5 After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

### **16.7 Alteration of motion**

16.7.1 A Member may alter a motion of which he has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

16.7.2 A Member may alter a motion which he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

16.7.3 Only alterations which could be made as an amendment may be made.

### **16.8 Withdrawal of motion**

A Member may withdraw a motion which he has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

### **16.9 Right of reply**

16.9.1 The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

16.9.2 If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

16.9.3 The mover of the amendment has no right of reply to the debate on his amendment.

### **16.10 Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except the following procedural motions:

16.10.1 To withdraw a motion;

16.10.2 To amend a motion;

16.10.3 To proceed to the next business;

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- 16.10.4 That the question be now put;
- 16.10.5 To adjourn a debate;
- 16.10.6 To adjourn a meeting;
- 16.10.7 To exclude the public and press in accordance with the Access to Information Procedure Rules; and
- 16.10.8 To not hear further a Member named under Rule 22.3 or to exclude them from the meeting under Rule 22.4.

### **16.11 Closure motions**

- 16.11.1 A Member may move, without comment, the following motions at the end of a speech of another Member;
  - (a) To proceed to the next business;
  - (b) That the question be now put;
  - (c) To adjourn a debate; or
  - (d) To adjourn a meeting.
- 16.11.2 If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- 16.11.3 If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he will put the procedural motion to the vote. If it is passed he will give the mover of the original motion a right of reply before putting his motion to the vote.
- 16.11.4 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

### **16.12 Point of order**

A point of order is a request from a member to the Mayor to rule on an alleged irregularity in the procedure of the meeting. A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he considers it has been broken. The ruling of the Mayor on the matter will be final.

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### **16.13 Personal explanation**

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

## **17. PREVIOUS DECISIONS AND MOTIONS**

### **17.1 Motion to rescind a previous decision**

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 5 members. This does not apply to the Development Control Committee and Licensing Sub-Committees.

### **17.2 Motion similar to one previously rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 5 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

## **18. VOTING**

### **18.1 Majority**

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

### **18.2 Mayor's casting vote**

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

### **18.3 Method of Voting**

- 18.3.1 Unless a recorded vote is demanded under Rule 18.4 the Mayor will take the vote by show of hands, or by use of the Council's electronic voting system if any, or if there is no dissent, by the affirmation of the meeting except that;
- 18.3.2 Recorded votes must be taken at a budget decision meeting of the Council where it:
  - (i) Makes a calculation (whether originally or by way of substitute) in

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accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992; or

(ii) Issues a precept under Chapter 4 of Part 1 of that Act.

### **18.4 Recorded vote**

If at least one half of the whole number of members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

### **18.5 Right to require individual vote to be recorded**

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

### **18.6 Voting on appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

## **19. MINUTES**

### **19.1 Signing the minutes**

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

Officers will circulate to the Mayor the draft minutes within ten clear working days of the meeting.

### **19.2 No requirement to sign minutes of previous meeting at extraordinary meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

### **19.3 Form of minutes**

Minutes will contain all motions and amendments in the form and order the Mayor put them.

## **20. RECORD OF ATTENDANCE**

The attendance of all members and officers present during the whole or part of every meeting will be recorded. All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

## **21. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution or Rule 23 (Disturbance by Public).

## **22. MEMBERS' CONDUCT**

### **22.1 Speaking at meetings**

When a Member speaks at Full Council he/she must address the meeting through the Mayor. If more than one member signifies their intention to speak, the Mayor will ask one to speak. Other Members must remain silent whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

### **22.2 Mayor speaking**

When the Mayor speaks during a debate, any member speaking at the time must stop.

### **22.3 Member not to be heard further**

If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

### **22.4 Member to leave the meeting**

If the Member continues to behave improperly after such a motion is carried, the Mayor may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

### **22.5 General disturbance**

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

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### **23. DISTURBANCE BY PUBLIC**

#### **23.1 Removal of member of the public**

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

#### **23.2 Clearance of part of meeting room**

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

#### **23.3 Banners, placards, etc.**

No member of the public shall be allowed to bring into or display at any Council meeting any banner, placard, poster or other similar item. The Chair may require any to be removed.

#### **23.4 Recording of Meetings**

Members of the public and press may film, photograph or make sound recordings etc. of proceedings at council meetings in accordance with the Openness of Local Government Bodies Regulations 2014 and the Council's adopted recording protocol.

### **24. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

#### **24.1 Suspension**

All of these Council Rules of Procedure except Rule 16.6 and this Rule may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

#### **24.2 Amendment**

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

### **25. APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

25.1 All of the Council Rules of Procedure apply to meetings of Full Council. Only Rules 4 - 7, 13 - 16, 17 - 25 (but not Rule 22.1) apply to meetings of Committees and Sub-Committees.

25.2 The Council has adopted a Scheme for speaking at the Development Control Committee.

**26. APPOINTMENT OF SUBSTITUTE MEMBERS ON COUNCIL BODIES**

26.1 The Council has formally adopted a Members' Substitute Scheme.

26.2 Without prejudice to the generality of the provisions below, the Scheme sets out in greater detail the application, nomination and appointment, attendance and voting procedures.

26.3 A copy of the Substitute Scheme is available from the Head of Law and Democracy. It is also available on the Council's website.

**26.4 Application**

The scheme will apply to all Committees, Sub-Committees and Working Groups of the Council except:

- (i) The Assessment, Determination and Review Sub-Committees; and
- (ii) The Licensing Sub-Committee;
- (iii) The Private Hire and Taxi Licensing Sub-Committee.

**26.5 General Powers and Duties**

Appointed Substitutes will be permitted to attend any Council meeting or Panel and vote on behalf of the Member they are replacing.

26.5.1 Substitutes for the Development Control Committee and Licensing and Regulatory must have received training before they can sit as a substitute.

26.5.2 Substitute members will have the powers and duties of any ordinary member but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

**26.6 Substitution**

Substitute members may attend meetings in that capacity only:

26.6.1 To take the place of the ordinary Member for whom they are the designated substitute

26.6.2 Where the ordinary Member will be absent for the whole of the meeting, and

26.6.3 After notifying the Head of Law and Democracy by 5.00pm before the last clear working day before the meeting, subject to limited exceptions;

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- 26.6.4 If the ordinary Member is not absent for the whole meeting, the substitute Member may not attend in that capacity. This does not take away the Member's right to attend in any other capacity allowed in accordance with the Scheme.